



PATENT
Customer No. 22,852
Attorney Docket No. 5725.0355-01

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Laurent VIDAL et al.

Application No.: 10/091,492

Filed: March 7, 2002

For: COMPOSITIONS FOR DYEING
KERATINOUS FIBERS COMPRISING
PYRAZOLOAZOLES; THEIR USE IN
DYEING AS OXIDATION BASE AND
DYEING PROCESS; AND NOVEL
PYRAZOLOAZOLES

Group Art Unit: 1626

Examiner: Sonya Wright

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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

RESPONSE TO ELECTION OF SPECIES REQUIREMENT

In the Office Action dated May 30, 2003, the Examiner required an election of species under 35 U.S.C. § 121. Specifically, the Examiner requires Applicants to "provide a structure or chemical name of the elected species, and ... identify where the species is disclosed in the specification." Office Action at 2. The Examiner also requests that Applicants "identify which of the formulae (I'a) through (I'f) in claim 68 the elected species corresponds to." Id.

The election of species requirement is respectfully traversed. To be fully responsive, however, Applicants elect with traverse the species shown in Preparation Example A on page 39 of the specification, namely, 1H-7-amino-2,6-dimethylpyrazolo[1,5-b]-1,2,4-triazole hydrochloride. This species

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corresponds to formula (I'a) in claim 68 and is also listed on page 31, line 6 of the specification.

Applicants traverse the election of species requirement on the grounds that the Examiner has not shown that there would be a serious burden to examine all of the recited species of the claimed compound of formula (I'). In fact, the Examiner has failed to state that any burden exists to examine all of the species of formula (I') recited in the present claims. Accordingly, Applicants respectfully request that all the recited species of formula (I') continue to be examined in this application.

If the Examiner chooses, however, to maintain the election of species requirement, Applicants expect the Examiner, if the elected species is found allowable, to continue to examine the full scope of claims 68-75 to the extent necessary to determine the patentability of these pending claims, i.e., extending the search to a reasonable number of the non-elected species, as is the duty according to M.P.E.P. § 803.02 and 35 U.S.C. § 121.

Please grant any extensions of time required to enter this response and charge any additional required fees to our Deposit Account No. 06-0916.

Respectfully submitted,

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Dated: August 20, 2003

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